

Prob 12 (10/09)
VAE (rev. 5/17)

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF VIRGINIA

U.S.A. vs. Falah Joe

Docket No. 1:08CR00424-1

Petition on Conditional Release

COMES NOW BETHANY ERDING, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Falah Joe, who was placed on supervision by the Honorable Liam O'Grady, United States District Court Judge sitting in the Court at Alexandria, Virginia, on the 25th day of January, 2018, who released the defendant under Conditional Release from the U.S. Medical Center for Federal Prisoners and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

SEE PAGES 2 & 3

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

See Attachment(s)

PRAYING THAT THE COURT WILL ORDER a summons to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

RETURNABLE DATE: 7/9/2019 at 10:00 am -JFA

ORDER OF COURT

Considered and ordered this 17th day of June, 2019 and ordered filed and made a part of the records in the above case.


Liam O'Grady

United States District Court Judge

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: June 14, 2019



Digitally signed by Bethany Erding
Date: 2019.06.14 11:31:27 -04'00'

Bethany Erding
Senior U.S. Probation Officer
703-299-2305

Place Alexandria, Virginia

TO CLERK'S OFFICE

Petition on Conditional Release Probation or Supervised Release

Page 2

RE: Joe, Falah

CONDITIONS OF RELEASE:

1. The Defendant shall be transported to a transitional living residential facility, House of Ruth-Madison Program in Washington, D.C. as soon as bed space becomes available. The Defendant shall reside in the House of Ruth facility in Washington, D.C. until a change in residence is approved by her supervising U.S. Probation Officer.
2. The Defendant shall report as directed to the U.S. Probation Officer assigned to her case and comply with the specific conditions in the Conditional Release Plan and the standard conditions.
3. The Defendant shall participate in mental health and substance abuse services deemed necessary through her assigned Community Connections Assertive Community Treatment ("ACT") Team and/or through other agencies approved through the U.S. Probation Office and the District of Columbia Department of Mental Health. The Defendant shall comply with treatment recommendations made by her probation officer or by mental health professionals.
4. The Defendant shall submit to monitoring by mental health professionals for evidence of psychiatric difficulties and shall continue to take medication as prescribed by mental health professionals and which may be adjusted by her clinicians.
5. The Defendant shall consent to have Social Security or Community Connections appoint a representative payee for her Social Security payments. If any changes in Representative Payee status are required, the U.S. Probation Office shall be notified.
6. The Defendant shall voluntarily admit herself into a hospital for treatment upon the recommendation of a medical provider or probation officer. If she refuses, involuntary state civil commitment procedures should be considered and a local or state hospital should be utilized, if possible. If local or state facilities are unable to ensure the safety of others, the probation officer shall contact this Court for further instructions and possible designation or return to federal custody.
7. The Defendant shall be supervised by the U.S. Probation Office, District of Columbia, to ensure compliance with the conditions of release. This involves waiving her right to confidentiality regarding her mental health treatment in order to allow sharing of information with the supervising probation officer, who will assist in evaluating her ongoing appropriateness for community placement.
8. Pursuant to Title 18, U.S.C. § 4247(c), annual reports shall be filed by the probation office with the Court, with copies to the Assistant U.S. Attorney and the Federal Public Defender.
9. The Defendant will remain under supervision of the U.S. Probation Office until she is discharged from all mental health treatment and/or federal civil commitment. The primary treatment provider may be changed with the approval and/or notification of the U.S. Probation Office.
10. The Defendant shall not have in her possession at any time any actual or imitation firearm, destructive device or other dangerous weapon. Revocation of conditional release is mandatory for possession of a firearm.

Petition on Conditional Release Probation or Supervised Release

Page 3

RE: Joe, Falah

11. The Defendant shall abstain from the use of alcohol, illegal narcotic substances or drugs. She shall not frequent places where alcohol or illegal drugs are known to be the primary place of possession, manufacture or distribution. Furthermore, the Defendant shall submit to drug testing and treatment as directed by the Probation Office.
12. The Defendant shall not commit any offense in violation of federal, state or local law while on release.
13. The Defendant shall comply with the other standard conditions of release as proposed by the U.S. Probation Office.
14. The Defendant shall be monitored by GPS Monitoring until further order of the Honorable Liam O'Grady, U.S. District Judge for the Eastern District of Virginia, and the Defendant must follow the rules and regulations of the location monitoring program. The cost associated with the program are waived. Unless the Defendant is provided a more restrictive curfew by the U.S. Probation Office, the Community Connections Assertive Community Treatment (ACT) Team, or Administrators with the House of Ruth-Madison Program, the Defendant will be restricted to her residence at the House of Ruth everyday from 7:00 p.m. to 7:00 a.m. for the first 180 days of the Defendant's conditional release. The Defendant may also be restricted to her residence at the House of Ruth between the hours of 7:00 a.m. to 7:00 p.m. at the direction of the Probation Officer, the ACT Team, or Administrators at the House of Ruth-Madison Program. ¹After the Defendant's completion of 180 days of conditional release, the U.S. Probation Office will reassess for the appropriateness of stand-alone monitoring and, if appropriate, the parties may seek modification of the Court's conditional release order to provide for stand-alone monitoring.
15. The U.S. Marshals Service shall be notified to return Ms. Falah Joe to the custody of the Attorney General if it is deemed that Ms. Joe has violated any conditions which are established for her.

¹ On September 20, 2018, Your Honor denied the defendant's Motion for Removal of GPS Monitoring based upon Ms. Joe previously absconding from supervision, and her criminal history demonstrates she presents a real danger to the community if her mental health deteriorates. Your Honor indicated Ms. Joe could renew her motion in 180 days.

Petition on Conditional Release Probation or Supervised Release

Page 4

RE: Joe, Falah

PREVIOUS VIOLATION:

On September 7, 2018, Your Honor approved a No Action recommendation after Ms. Joe tested positive for marijuana in July 2018. Ms. Joe was informed of the conditions of release and the difference between the Federal law and District of Columbia law as it relates to marijuana use.

ADJUSTMENT:

The following information was received from Senior U.S. Probation Officer (SrUSPO) Tennille Losch, District of Columbia.

“On January 25, 2018, Ms. Joe was released from custody to the House of Ruth Madison Program in Washington, DC. Ms. Joe has the support of a case manager assigned by the House of Ruth. In addition, she has the support of family members to include her father, sister and maternal aunt.

“Ms. Joe receives a Supplemental Security Income in the amount of \$750 monthly, Medicaid benefits and receives food stamps. According to her case manager at the House of Ruth, she is currently seeking employment through a job counselor, and she is pending a position at Ross Department store.

“Ms. Joe receives mental health services at Community Connections. She has a diagnosis of schizophrenia for which she is prescribed Haloperidol Decanoate IM, which is administered intra-muscularly once a month. Other medications include Haloperidol tablets, Ferrous Sulfate, Benztropine and Docusate Sodium. Ms. Joe receives intense Assertive Community Services through her mental health provider in the form of a community support worker, medication management, and individual therapy.

“Ms. Joe continues to be supervised via GPS Monitoring. She has completed 476 days in the program. Ms. Joe has a daily curfew of 7:00 p.m. to 7:00 a.m. She sometimes struggles with acknowledging the GPS automated messages, which requires her to recharge the battery more often. She is currently charging the battery twice a day for one hour each time. Over the last several months she has had several instances in which she has returned home late due to transportation issues which were not considered as willful non-compliance. It should be noted the House of Ruth has a curfew of 9:00 p.m. Monday through Friday and 11:00 p.m. on Saturday and Sunday.”

While the supervising district acknowledges the below violations, they are also asking for a hearing to address the appropriateness of further GPS monitoring given the length of time the defendant was compliant with monitoring requirements (before the below violations occurred) and considering curfew expectations established by the House of Ruth Madison Program.

VIOLATIONS:

CONDITIONAL RELEASE 14: THE DEFENDANT SHALL COMPLY WITH THE CONDITIONS OF GPS MONITORING AND SHALL BE RESTRICTED TO HER RESIDENCE AS DIRECTED.

According to SrUSPO Losch, on April 24, 2019, Ms. Joe was given permission by the U.S. Probation Office to leave her residence after the 7:00 p.m. curfew to report to the hospital. She was instructed to report directly to the hospital and return to the House of Ruth immediately following discharge. A review of her GPS tracks revealed she left her residence and reported directly to the Washington Hospital Center (WHC). On April 25, 2019, she

Petition on Conditional Release Probation or Supervised Release

Page 5

RE: Joe, Falah

left the hospital at approximately 2:44 a.m. and failed to return to the House of Ruth until 12:06 p.m. Ms. Joe indicated she was given a ride by a friend, and instead of returning her to the House of Ruth they took her to their residence.

On April 27, 2019, Ms. Joe returned home at 7:46 p.m. and noted she was late due to shopping.

On April 30, 2019, Ms. Joe left her residence without permission from the U.S. Probation Office at 8:39 p.m., but with permission from ²House of Ruth to go to a local corner store. Ms. Joe subsequently returned home at 9:07 p.m.

On May 13, 2019, Ms. Joe was granted permission by the probation office to leave her residence after curfew to report to the hospital. She was instructed to report directly to the hospital and return home immediately following discharge. A review of her GPS tracks revealed she left her residence at 7:03 p.m. but did not report to the hospital until 10:44 p.m. According to SrUSPO Losch, Ms. Joe "could not articulate" why she failed to report directly to the hospital but stated she did stop for something to eat.

Furthermore, on May 17, 2019, Ms. Joe left her residence at 8:01 p.m. without prior approval from the probation office, but with permission from the House of Ruth to go to a local corner store. Ms. Joe returned to her residence at 8:14 p.m.

CONDITIONAL RELEASE 11: THE DEFENDANT SHALL ABSTAIN FROM THE USE OF ILLEGAL SUBSTANCES.

On May 1, 2019, Ms. Joe tested positive for marijuana and codeine as confirmed by Alere Toxicology on May 8, 2019.

² The House of Ruth has a curfew of 9:00 p.m. Monday through Friday and 11:00 p.m. on Saturday and Sunday.